

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division

KIERAN RAVI BHATTACHARYA,

Plaintiff,

v.

Civil Action No. 3:19-cv-54

JAMES B. MURRAY, JR. *et al.*

Defendants.

**REGION TEN COMMUNITY SERVICE BOARD'S
MOTION TO QUASH SUBPOENA DUCES TECUM**

Region Ten Community Service Board (“Region Ten”), by counsel, and pursuant to Rule 45 of the Federal Rules of Civil Procedure, moves to quash the subpoena *duces tecum* issued to Region Ten by defendants in the above-captioned matter. In support of its Motion to Quash, Region Ten states as follows:

1. On July 13, 2021 a subpoena duces tecum (the “Subpoena”) was issued to Region Ten in connection with the above-referenced case. A copy of the Subpoena is attached as

Exhibit 1.

2. Region Ten is a health care provider. As such, Region Ten and its personnel are required to comply with state and federal privacy laws and regulations, including Virginia Code § 32.1-127.1:03, Subpart E of the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and 42 C.F.R. Part 2.

3. Region Ten has no interest in the outcome of the underlying litigation. Region Ten’s present motion is made only with regard to protecting its regulatory interest in the potential disclosure of information.

4. Virginia Code § 32.1-127.1:03 and 45 C.F.R. § 164.502 prohibit Region Ten personnel from disclosing Protected Health Information (as that term is defined under HIPAA).

The Subpoena calls for the disclosure of Protected Health Information.

5. 42 C.F.R Part 2 prohibits the disclosure of certain health records. Region Ten and its personnel are required to comply with 42 C.F.R. Part 2, including but not limited to the confidentiality restrictions set forth in 42 C.F.R. § 2.13 and the disclosure rules set forth in 42 C.F.R. Part 2, Subpart E.

6. Region Ten has not been authorized to disclose the Protected Health Information sought under the Subpoena.

7. Accordingly, Region Ten respectfully requests that this Court quash the aforementioned Subpoena.

Respectfully Submitted,

REGION TEN COMMUNITY
SERVICES BOARD

By Counsel

/s/ Shannon A. Temlak

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CERTIFICATE OF SERVICE

I hereby certify that on July 26, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

/s/ Shannon A. Temlak

Counsel for Region Ten Community Services Board